



U.S. Department of Justice

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January 11, 2006

Honorable Gregory M. Sleet
U.S. District Judge
J. Caleb Boggs Federal Bldg.
844 King Street, Room 4324
Wilmington, DE 19801

**Re: BRIAN K. REINBOLD v. NATIONAL ASSOCIATION OF LETTER
CARRIERS BRANCH 1977, et al.
Civil Action Nos. 04-342-GMS & 05-47-GMS**

Dear Judge Sleet:

As Your Honor is aware, the United States Postal Service (USPS) filed a Motion for Summary Judgment and brief in support thereof on or about November 30, 2005. D.I.-31, 32. The date by which Plaintiff was to respond to that motion, namely December 30, 2005, has come and gone, and the Court's docket reflects no activity, nor has the undersigned been served with any response by Plaintiff.

Plaintiff's failure to respond to the Government's motion is consistent with his ongoing failure to participate in discovery and failure otherwise to prosecute his case, as outlined in several previous pleadings by the defendants. See Motion to Dismiss for Lack of Prosecution or in the Alternative to Compel Discovery filed by the National Association of Letter Carriers (NALC) (D.I.-22); Memorandum in support of that motion (D.I.-23); Motion to Dismiss or in the Alternative to Compel Rule 26(a) Disclosures by Plaintiff, filed by the USPS (D.I.-24) and Memorandum in support of that motion (D.I.-25); NALC's Reply Memorandum in support of its motion to dismiss (D.I.-27); NALC's Motion for Extension of Time to Complete Discovery and to Extend the Summary Judgment Deadline (D.I.-28); and USPS' Reply Brief in support of its Motion to Dismiss (D.I.-29). It is respectfully suggested that this record supports a dismissal of the Complaint for Plaintiff's failure to prosecute his claim.

In addition, as a consequence of Plaintiff's failure to respond to the allegations of the USPS' Motion for Summary Judgment, the evidentiary record on which the Court's decision must lie is exclusively the documentation from the administrative record that was submitted in support of the USPS motion. As argued in the USPS' Opening Brief, that record fully supports an award of summary judgment to the USPS.

Accordingly, the USPS reiterates its request that summary judgment be granted in its favor at this time.

Respectfully,

COLM F. CONNOLLY,
United States Attorney

By: /s/ Patricia C. Hannigan
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PCH:md

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